

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**IVAN RODRIGUEZ
SELINA RODRIGUEZ**

PLAINTIFFS

VS.

CAUSE NO. 1:16-CV-391- LG-RHW

CHEVRON U.S.A., ET AL

DEFENDANTS

UNOPPOSED MOTION TO INTERVENE

COME NOW Mobley Safway Solutions, LLC f/k/a Mobley Industrial Services, Inc., (hereinafter referred to as “Mobley Safway”) and Chubb, formerly doing business as ACE American Insurance Company (hereinafter referred to as “Chubb”), by and through undersigned counsel of record, and request that this Court allow these parties to intervene in this action pursuant to Fed. R. Civ. P. 24(a)(2), and in support hereof would show the following:

I.

This case arises out of an accident having occurred on August 4, 2016, wherein Plaintiff Ivan Rodriguez sustained bodily injuries while operating a tractor on the property of Chevron U.S.A., in Pascagoula, Jackson County, MS. Plaintiff Ivan Rodriguez alleges that his injuries are a direct and proximate result of the negligence and/or gross negligence of United Rentals (N.Am.), Inc., Shield Restraint Systems, Inc., CNH Industrial American, LLC, Burlington Installation Corp. and Chevron U.S.A., Inc.

II.

At the time of the accident, Plaintiff Ivan Rodriguez was in the course and scope of his employment with Mobley Safway. Mobley Safway and Chubb, its workers’ compensation insurance carrier, have made payments to and on behalf of Ivan Rodriguez, pursuant to the Mississippi

Workers' Compensation statutes. To date, Mobley Safway and Chubb have paid a total of \$1,067,765.01 in indemnity and medical benefits, to or on behalf of Ivan Rodriguez. Worker's compensation benefits continue at this time, and the claim is docketed with the Mississippi Worker's Compensation Commission in cause no. 1607546.

III.

This Court should permit the intervention as movants' claim is "an interest relating to the ...transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest...." Fed. R. Civ. P. 24(a)(2). Mobley Safway and Chubb have been provided an unconditional right of reimbursement of the amount they have or will pay as compensation and medical expenses to or on behalf of Ivan Rodriguez should defendants be found liable for his injuries, as set forth in the Mississippi Worker's Compensation Act, Miss. Code Ann. Section 71-3-71 (Supp. 2016). Movants are attaching to this Motion as Exhibit "A" their proposed Intervenor's Complaint and would hereby request that this Court allow movants to intervene in this matter to protect their right of reimbursement of their workers' compensation lien as provided under state law.

IV.

The undersigned has conferred with counsel for plaintiffs and the defendants and would show that this motion is unopposed.

V.

WHEREFORE, PREMISES CONSIDERED, Mobley Safway Solutions and Chubb respectfully request that their Motion to Intervene be granted, so that a Complaint may be filed in this matter, giving the parties herein notice of the statutory lien for worker's compensation benefits

paid to or on behalf of Plaintiff Ivan Rodriguez and so as to protect the interests of the intervening parties. Movants further request any other relief to which they may be entitled.

Respectfully submitted,

MOBLEY SAFWAY SOLUTIONS, LLC F/K/A
MOBLEY INDUSTRIAL SERVICES, INC. AND
CHUBB, FORMERLY DOING BUSINESS AS ACE
AMERICAN INSURANCE COMPANY

By: /s/ Roy A. Smith, Jr.
OF COUNSEL

ROY A. SMITH, JR. - BAR # 7599
rsmith@danielcoker.com
GINGER M. ROBEY - BAR # 101607
grobey@danielcoker.com
DANIEL COKER HORTON & BELL, P.A.
4400 OLD CANTON ROAD, SUITE 400
POST OFFICE BOX 1084
JACKSON, MISSISSIPPI 39215-1084
TELEPHONE: (601) 969-7607
FACSIMILE: (601) 969-1116

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

/s/ Roy A. Smith, Jr.